

The following standing committee has filed unfavorable report today on bill as follows:

Revenue and Taxation—House bill No. 24.

REASON FOR VOTE.

On the vote to indefinitely postpone House bill No. 30 I voted "no," which as a matter of record I wish to give my reasons.

Had this been a vote on final passage I would have voted against the bill. The bill had not had a chance to be amended on the floor. I would vote for an income tax if it could be substituted for the present ad valorem tax. I understand that such an amendment would have been offered. To make myself clear I am against an income tax as an additional tax, but would support it if it could be substituted for the present ad valorem.

DeBERRY.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 41, A bill to be entitled "An Act prescribing the method of the county tax collector making remittances to the State Treasurer or any other State officer, board, commission or employe of the State, and inhibiting the payment of exchange on any such remittances; providing that liability shall not cease until actual receipt of money, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

Committee Room,
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 10, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil'; levying such tax against those engaged in such pro-

duction; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126 of the Revised Civil Statutes of 1911, as amended; providing that Articles 7386 and 7387, Revised Civil Statutes, shall not apply to those affected by this act, and declaring an emergency,"

And find the same correctly engrossed.
SANFORD, Acting Chairman.

Committee Room,
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 1, A bill to be entitled "An Act to amend Article 7374 of the Revised Civil Statutes of 1911, levying and providing for the payment of an occupation tax on all persons, firms, companies, corporations, common law trusts, associations operating under a declaration of trust, or any other association or concern, of whatsoever name known or howsoever organized, formed or created, owning, managing or operating any pipe line or pipe lines within this State, based upon gross receipts derived from business done within this State in intrastate commerce, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

SIXTH DAY.

(Friday, May 25, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Beasley.

The roll was called and the following members were present:

Amsler.	Bell.
Arnold.	Bird.
Avis.	Bonham.
Baker of Milam.	Bryant.
Baker of Orange.	Burmeister.
Barker.	Cable.
Barrett.	Carpenter
Beasley.	of Dallas.

Carpenter of Matagorda.	Mathes.
Carson.	Maxwell.
Carter of Hays.	Melson.
Chitwood.	Merritt.
Coffee.	Miller.
Collins.	Montgomery.
Covey.	Moore.
Cowen.	Morgan
Crawford.	of Liberty.
Culp.	Morgan
Davis.	of Robertson.
DeBerry.	Pate.
Dielmann.	Patman.
Dodd.	Patterson.
Downs.	Perdue.
Driggers.	Pinkston.
Duffey.	Pool.
Dunlap.	Pope.
Dunn.	Potter.
Durham.	Purl.
Edwards.	Quaid.
Faubion.	Quinn.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Rogers.
Fugler.	Russell
Gipson.	of Callahan.
Green.	Russell of Trinity.
Greer.	Sanford.
Hardin of Erath.	Satterwhite.
Hardin	Shearer.
of Kaufman.	Shires.
Harris.	Simpson.
Henderson	Smith.
of Marion.	Sparkman.
Henderson	Stell.
of McLennan.	Stevens.
Hendricks.	Stewart
Houston.	of Edwards.
Howeth.	Stewart
Irwin.	of Galveston.
Jacks.	Stewart of Jasper.
Jennings.	Stiernberg.
Johnson.	Storey.
Kemble.	Strickland.
Lackey.	Stroder.
Laird.	Teer.
Lane.	Thompson.
LeMaster.	Thrasher.
Loftin.	Turner.
Looney.	Vaughan.
McBride.	Wallace.
McDaniel.	Wells.
McDonald.	Westbrook.
McFarlane.	Wessels.
McKean.	Wilmans.
McNatt.	Wilson.
Martin.	Winfree.
	Young.
	Absent.
Baldwin.	LeStourgeon.
Bobbitt.	Lewis.
Davenport.	Rowland.
Harrington.	Stewart of Reeves.
Hughes.	Williamson.
Hull.	

Absent—Excused.

Abney.	Lamb.
Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Price.
Dinkle.	Sackett.
Jones.	Sweet.

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Bobbitt for last week, on motion of Mr. Arnold.

Mr. Baker of Orange for last week, on motion of Mr. Wells.

Mr. Carter of Hays for last week, on motion of Mr. Potter.

Mr. Bird for Friday and Saturday of last week, on motion of Mrs. Wilmans.

Mr. Winfree for last week, on motion of Mr. Montgomery.

The following members were granted leaves of absence on account of sickness:

Mr. Abney for today and remainder of this week, on motion of Mr. Crawford.

Mr. Sweet for today, on motion of Mr. Kemble.

Mr. Strickland for today and indefinitely, on motion of Mr. Russell of Trinity.

Mr. Baker of Milam for Wednesday, on motion of Mr. Winfree.

Mr. Jones for today, on motion of Mr. Durham.

Mr. Atkinson for today, on motion of Mr. Barker.

Mr. Dinkle for today and remainder of the week, on motion of Mr. Beasley.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Baker of Milam and Mr. Hendricks:

H. B. No. 62, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trappers' license, and the disposition of the license fees,

and for the levy and collecting of a severance tax of five per centum on and of the value of skins or hides taken within this State from any fur-bearing animal mentioned in this act; defining offenses, and prescribing penalties for the violation thereof; and making it the duty of the Game, Fish and Oyster Commissioner, and his deputies, to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Downs, Mr. Stevens and Mr. Smith:

H. B. No. 63, A bill to be entitled "An Act for the collection of inheritance taxes and empowering the Comptroller with authority to appoint suitable persons for that purpose and providing for their compensation; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Cowen:

H. B. No. 64, A bill to be entitled "An Act providing a means whereby moneys collected under House bill No. 12 of the Regular Session of the Thirty-eighth Legislature, being the gasoline occupation tax law, may be held pending judicial construction of said act, and ascertainment as to who owes said tax, and returned to the owner or placed in the Treasury after said judicial ascertainment as the law as so ascertained and construed may warrant, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Bonham et al:

H. B. No. 65, A bill to be entitled "An Act providing a method for the assessment for taxation of promissory notes and other securities subject to taxation; providing for a sworn list of such property from the owner, and stamping and assessment thereof by the county tax assessor, and providing that such notes and securities shall not be received in evidence nor any judgment entered thereon by any court unless the same are rendered for taxation as required by law."

Referred to Committee on Revenue and Taxation.

RELATING TO REDUCING APPROPRIATIONS MADE.

Mr. Patman offered the following resolution:

Whereas, It becomes necessary for the Legislature to reduce the appropriations heretofore made or to raise revenue sufficient to take care of said appropriations; and

Whereas, It has been proposed that the appropriations for the public free schools to supplement the available fund and for rural aid be reduced in order to eliminate the necessity for further revenue raising measures. Be it

Resolved by the House of Representatives, State of Texas, That we are unalterably opposed to reducing the appropriations heretofore made for the public schools, but if it should become absolutely necessary to reduce appropriations heretofore made, that it is the sense of this body that no reduction in the appropriations for the public free schools shall be made except such reductions as may be necessary to reduce the amount of said appropriations in proportion to reductions made in other appropriation bills.

Signed—Patman, Durham, Bonham and McBride.

The resolution was read second time.

Mr. Burmeister raised a point of order on further consideration of the resolution at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

EXTENDING SYMPATHY OF THE HOUSE TO HON. R. E. SEAGLER.

Mr. Durham offered the following resolution:

Whereas, It has just become known to this House that the wife of our able and much respected Speaker has become seriously ill, therefore be it

Resolved by the House of Representatives, That we extend the sympathy and good wishes of this House to our Speaker for the speedy recovery of his estimable wife to her usual good health.

The resolution was read second time and was adopted.

On motion of Mr. Chitwood, the Chief Clerk was instructed to wire a copy of the resolution to Speaker Seagler immediately.

HOUSE BILL NO. 56 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 56. A bill to be entitled "An Act to amend Article 7407 of Chapter 4, Title 126, of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; making an appropriation for the purpose of this act, and declaring an emergency."

The bill was read second time.

Mr. Dodd raised a point of order on consideration of the bill at this time on the ground that the bill does not come within the Governor's call.

Mr. DeBerry moved the previous question on the point of order, and the main question was ordered.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

Question—Shall the point of order be sustained?

The Clerk was directed to call the roll, and the House sustained the point of order by the following vote:

Yeas—63.

Amsler.	Howeth.
Avis.	Irwin.
Barker.	Lackey.
Barrett.	Laird.
Bird.	Loftin.
Bonham.	Looney.
Bryant.	McDaniel.
Carpenter	McDonald.
of Matagorda.	McFarlane.
Carson.	Martin.
Chitwood.	Merritt.
Covey.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Davis.	Patterson.
DeBerry.	Perdue.
Dodd.	Pinkston.
Downs.	Rice.
Driggers.	Robinson.
Duffey.	Russell of Trinity.
Faubion.	Sanford.
Finlay.	Satterwhite.
Green.	Shires.
Greer.	Stevens.
Hardin of Erath.	Stewart of Jasper.
Hardin	Stiernberg.
of Kaufman.	Storey.
Harris.	Strickland.
Henderson	Stroder.
of Marion.	Thompson.
Hendricks.	Thrasher.

Vaughan.
Wallace.
Westbrook.

Wilmans.
Wilson.

Nays—40.

Arnold.
Baker of Milam.
Baker of Orange.
Bell.
Burmeister.
Carpenter
of Dallas.
Carter of Hays.
Dielmann.
Durham.
Edwards.
Fields.
Frnka.
Gipson.
Houston.
Jacks.
Jennings.
Kemble.
Lane.
LeMaster.
McKean.
McNatt.

Mathes.
Maxwell.
Patman.
Pool.
Pope.
Potter.
Purl.
Rogers.
Russell
of Callahan.
Shearer.
Smith.
Sparkman.
Stell.
Stewart
of Galveston.
Turner.
Wells.
Wessels.
Winfree.
Young.

Present—Not Voting.

Henderson
of McLennan.

Absent.

Baldwin.	McBride.
Beasley.	Melson.
Bobbitt.	Miller.
Cable.	Montgomery.
Coffee.	Morgan
Collins.	of Robertson.
Cowen.	Pate.
Davenport.	Quaid.
Dunlap.	Quinn.
Dunn.	Rowland.
Fugler.	Simpson.
Harrington.	Stewart
Hughes.	of Edwards.
Hull.	Stewart of Reeves.
Johnson.	Teer.
LeStourgeon.	Williamson.
Lewis.	

Absent—Excused.

Abney.	Lamb.
Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Price.
Dinkle.	Sackett.
Jones.	Sweet.

The Speaker then stated that he would follow the instructions of the House and sustain the point of order.

EXTENDING THANKS TO NEWS-
PAPER REPORTERS.

Mr. Arnold (by unanimous consent) offered the following resolution:

Whereas, The press of this State is one of the greatest powers for good or evil in the Republic; it is the leader, the educator and the direct representative of the people; and

Whereas, It is often criticized sometimes deservedly and sometimes not; and

Whereas, There are many men who have consecrated their lives to this calling as one of high and noble duty to their fellow men; and

Whereas, It is the duty of a newspaper reporter to denounce wrong and injustice and to uphold truth and righteousness wherever they may be found; and

Whereas, We hear much about an independent press that can endure among a free people. "Speak your latent convictions," said Emerson, "and it shall be the universal." Let the press speak boldly and frankly what it thinks and believes to be right, and ultimately it will be "the universal sense." And

Whereas, The freedom of the press is a natural right, and is sacred as that of the individual. It is as necessary, as imprescriptible as that of the Legislature or any other august body. Liberty of speech and liberty of opinion go together. Destroy one and you destroy both. Let us be careful, then, in passing judgment upon the press. Let us show the men of that profession that we believe in them, honor them and in every reasonable way support this high profession; and

Whereas, Each and every man has a part to play in making the press of the State what it should be; and

Whereas, Never before in the history of the world has the press wielded so great an influence as at present, social political and commercial; and

Whereas, May this great power continue to stimulate men to higher achievements, to set aside superstition and ignorance wherever they exist and help men more and more to realize that each should live for the other in unity and peace and co-operate with the newspaper men of this State in every reasonable way, and thereby seek to promote the general welfare of the State of Texas; now, therefore, be it

Resolved, That this, the Third Called Session of the Thirty-eighth Legislature of the State of Texas, in Austin assembled this, the 24th day of May, A. D. 1923, extend to the press of Texas, especially the reporters serving through said session, our thanks and

appreciation for the diligence and co-operation they have shown in all the deliberations of this body and reporting the true facts pertaining to same.

Signed—Arnold, Rogers.

The resolution was read second time and was adopted.

On motion of Mr. Burmeister, the names of the press representatives serving the House were ordered printed in the Journal, as follows:

Fred M. Herndon, San Antonio Express.

Geo. D. Armistead, San Antonio Express.

Malory McDonald, Houston Post.

Jack Fernandez, Houston Chronicle.

Joseph E. Boyle, Associated Press.

Harry B. Crozier, Dallas News.

Hugh Nugent Fitzgerald, Austin American.

RELATING TO TEACHING OF EVOLUTION IN PUBLIC SCHOOLS.

Mr. Stroder offered the following resolution:

H. C. R. No. 6, Relating to teaching of evolution in the public schools.

Whereas, The Constitution of the State of Texas expressly states in Section 6 of Article 1 that "no human authority ought, in any way whatsoever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship," and in Section 7 of said article says that "no money shall be appropriated or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes," and the Constitution provides against any person having to support or erect any place of worship or maintain any ministry against his consent, and guarantees religious freedom of thought and action; and

Whereas, The public schools and colleges of this State, supported in whole or in part by public funds, should be kept free from any teachings designed to set up and promulgate sectarian views, and should also be equally free from teachings designed to attack the religious beliefs of the public; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That it is the sense of the Legislature of Texas that it is improper and subversive to the best interest of the people of this

State for any professor, teacher or instructor in the public schools, universities and colleges of this State, supported in whole or in part by public taxation, to teach or permit to be taught atheism or agnosticism or to teach as true Darwinism, or any other hypothesis that links men in blood relationship to any other form of life.

Signed—Stroder, Beasley, Greer, Dodd, McDonald, Howeth.

The resolution was read second time.

Mr. McDonald moved a call of the House for the purpose of maintaining a quorum pending consideration of the resolution, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and the Speaker announced that there was a quorum present.

On motion of Mr. Bonham, the House, by unanimous consent, agreed to stand at ease to 2 o'clock p. m. today.

The House reconvened at 2 o'clock p. m. and was called to order by Mr. Beasley.

The House resumed consideration of pending business, same being H. C. R. No. 6, relating to teaching of evolution in the public schools, question being on the adoption of the resolution.

On motion of Mr. Irwin, the resolution was laid on the table subject to call.

BILL ORDERED PRINTED.

Mr. Bonham moved that House bill No. 35, reported adversely with a favorable minority report, be printed in the Journal and not otherwise printed.

Mr. Shires moved to table the motion.

Mr. Moore moved a call of the House for the purpose of maintaining a quorum pending consideration of the motion to print, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and the Speaker

announced that there was a quorum present.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—20.

Baker of Milam.	McDonald.
Baker of Orange.	McNatt.
Burmeister.	Martin.
Carpenter	Maxwell.
of Dallas.	Montgomery.
Carpenter	Potter.
of Matagorda.	Quaid.
Carson.	Satterwhite.
Carter of Hays.	Shearer.
Coffee.	Shires.
Covey.	Wells.

Nays—83.

Arnold.	Loftin.
Avis.	Looney.
Barker.	McBride.
Barrett.	McKean.
Beasley.	Mathes.
Bell.	Melson.
Bird.	Merritt.
Bonham.	Miller.
Cable.	Moore.
Chitwood.	Morgan
Collins.	of Liberty.
Cowen.	Morgan
Crawford.	of Robertson.
Davis.	Pate.
DeBerry.	Patman.
Dielmann.	Patterson.
Downs.	Perdue.
Driggers.	Pool.
Duffey.	Pope.
Dunlap.	Purl.
Dunn.	Rice.
Faubion.	Rogers.
Fields.	Russell
Finlay.	of Callahan.
Gipson.	Russell of Trinity.
Green.	Sanford.
Greer.	Simpson.
Hardin of Erath.	Sparkman.
Hardin	Stevens.
of Kaufman.	Stewart
Harris.	of Edwards.
Henderson	Stewart
of Marion.	of Galveston.
Hendricks.	Stewart of Jasper.
Houston.	Storey.
Howeth.	Stroder.
Irwin.	Teer.
Jacks.	Thompson.
Jennings.	Thrasher.
Johnson.	Turner.
Lackey.	Vaughan.
Laird.	Wallace.
Lane.	Westbrook.
LeMaster.	Wessels.

Wilmans.	Young.
Wilson.	
Present—Not Voting.	
Durham.	
Absent.	
Amsler.	Kemble.
Baldwin.	LeSturgeon.
Bobbitt.	Lewis.
Bryant.	McDaniel.
Culp.	McFarlane.
Davenport.	Pinkston.
Dinkle.	Quinn.
Dodd.	Robinson.
Edwards.	Rowland.
Frnka.	Smith.
Fugler.	Stell.
Harrington.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Strickland.
Hughes.	Williamson.
Hull.	Winfree.
Absent—Excused.	
Abney.	Lusk.
Atkinson.	Merriman.
Blount.	Price.
Carter of Coke.	Sackett.
Jones.	Sweet.
Lamb.	

Question then recurring on the motion to print, it prevailed.

NOTICE GIVEN.

Mr. Lackey gave notice that he would on next Monday call up for consideration at that time the motion to reconsider the vote on House bill No. 40, which motion to reconsider was heretofore spread on the Journal.

Mr. Burmeister moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Quinn moved that the House recess to 3:30 o'clock p. m. today.

Mr. Purl moved that the House adjourn until 9 o'clock a. m. next Monday.

Mr. Wessels moved that the House adjourn until 2 o'clock p. m. next Monday.

Question recurring on the motion of Mr. Purl, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—38.

Baker of Milam.	Hardin
Baker of Orange.	of Kaufman.
Burmeister.	Henderson
Carson.	of Marion.
Carter of Hays.	Houston.
Coffee.	Loftin.
Crawford.	McDonald.
Dielmann.	McNatt.
Hardin of Erath.	Melson.

Miller.	Shearer.
Montgomery.	Shires.
Morgan	Stewart
of Liberty.	of Galveston.
Patterson.	Storey.
Pope.	Teer.
Potter.	Thompson.
Purl.	Vaughan.
Quaid.	Wells.
Rice.	Wessels.
Sanford.	Wilson.
Satterwhite.	Winfree.

Nays—66.

Arnold.	Lane.
Avis.	LeMaster.
Barrett.	Looney.
Bell.	McBride.
Bird.	McDaniel.
Bonham.	McKean.
Cable.	Martin.
Carpenter	Mathes.
of Dallas.	Maxwell.
Carpenter	Merritt.
of Matagorda.	Moore.
Chitwood.	Morgan
Collins.	of Robertson.
Covey.	Pate.
Davis.	Patman.
DeBerry.	Perdue.
Downs.	Pool.
Driggers.	Quinn.
Duffey.	Rogers.
Dunn.	Russell of Trinity.
Durham.	Simpson.
Faubion.	Smith.
Fields.	Sparkman.
Finlay.	Stell.
Gipson.	Stevens.
Green.	Stewart
Greer.	of Edwards.
Harris.	Stewart of Jasper.
Hendricks.	Stroder.
Howeth.	Thrasher.
Irwin.	Turner.
Jacks.	Wallace.
Jennings.	Westbrook.
Johnson.	Wilmans.
Lackey.	Young.
Laird.	

Absent.

Amsler.	Harrington.
Baldwin.	Henderson
Barker.	of McLennan.
Beasley.	Hughes.
Bobbitt.	Hull.
Bryant.	Kemble.
Cowen.	LeSturgeon.
Culp.	Lewis.
Davenport.	McFarlane.
Dinkle.	Pinkston.
Dodd.	Robinson.
Dunlap.	Rowland.
Edwards.	Russell
Frnka.	of Callahan.
Fugler.	Stewart of Reeves.

Stiernberg.
Strickland.

Williamson.

Absent—Excused.

Abney.
Atkinson.
Blount.
Carter of Coke.
Jones.
Lamb.

Lusk.
Merriman.
Price.
Sackett.
Sweet.

Question recurring on the motion to adjourn until 10 o'clock a. m. next Monday, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50.

Baker of Milam.	Morgan
Baker of Orange.	of Robertson.
Bell.	Patterson.
Burmeister.	Pope.
Carson.	Potter.
Carter of Hays.	Purl.
Chitwood.	Quaid.
Coffee.	Rice.
Collins.	Russell
Crawford.	of Callahan.
Dielmann.	Russell of Trinity.
Duffey.	Sanford.
Green.	Satterwhite.
Hardin of Erath.	Shearer.
Hardin	Shires.
of Kaufman.	Stewart
Harris.	of Edwards.
Henderson	Stewart
of Marion.	of Galveston.
Houston.	Storey.
Jacks.	Teer.
Loftin.	Thompson.
McDonald.	Turner.
McKean.	Vaughan.
McNatt.	Wells.
Melson.	Wessels.
Miller.	Wilson.
Montgomery.	Winfree.
Morgan of Liberty.	

Nays—55.

Arnold.	Durham.
Avis.	Faubion.
Barker.	Fields.
Barrett.	Finlay.
Bird.	Gipson.
Bonham.	Greer.
Cable.	Hendricks.
Carpenter	Howeth.
of Dallas.	Irwin.
Carpenter	Jennings.
of Matagorda.	Johnson.
Covey.	Lackey.
Davis.	Laird.
DeBerry.	Lane.
Downs.	LeMaster.
Driggers.	Looney.
Dunn.	McBride.

Martin.
Mathes.
Maxwell.
Merritt.
Moore.
Pate.
Patman.
Perdue.
Pool.
Quinn.
Rogers.
Simpson.

Smith.
Sparkman.
Stell.
Stevens.
Stewart of Jasper.
Stroder.
Thrasher.
Wallace.
Westbrook.
Wilmons.
Young.

Absent.

Amsler.
Baldwin.
Beasley.
Bobbitt.
Bryant.
Cowen.
Culp.
Davenport.
Dinkle.
Dodd.
Dunlap.
Edwards.
Frnka.
Fugler.
Harrington.

Henderson
of McLennan.
Hughes.
Hull.
Kemble.
LeSturgeon.
Lewis.
McDaniel.
McFarlane.
Pinkston.
Robinson.
Rowland.
Stewart of Reeves.
Stiernberg.
Strickland.
Williamson.

Absent—Excused.

Abney.
Atkinson.
Blount.
Carter of Coke.
Jones.
Lamb.

Lusk.
Merriman.
Price.
Sackett.
Sweet.

Question then recurring on the motion to adjourn until 2 o'clock p. m. next Monday, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—44.

Baker of Milam.	McNatt.
Baker of Orange.	Melson.
Bell.	Montgomery.
Burmeister.	Morgan
Carson.	of Liberty.
Carter of Hays.	Morgan
Chitwood.	of Robertson.
Coffee.	Patterson.
Collins.	Pope.
Cowen.	Potter.
Crawford.	Purl.
Dielmann.	Quaid.
Green.	Rice.
Hardin	Russell
of Kaufman.	of Callahan.
Harris.	Russell of Trinity.
Henderson	Satterwhite.
of Marion.	Shires.
Houston.	Stewart
Loftin.	of Edwards.
McDonald.	

Stewart of Galveston.	Vaughan.
Storey.	Wells.
Thompson.	Wessels.
Turner.	Wilson.
	Winfree.

Nays—61.

Arnold.	Lane.
Avis.	LeMaster.
Barker.	Looney.
Barrett.	McBride.
Bird.	McDaniel.
Bonham.	McKean.
Cable.	Martin.
Carpenter of Dallas.	Mathes.
Carpenter of Matagorda.	Maxwell.
Covey.	Merritt.
Davis.	Miller.
DeBerry.	Moore.
Downs.	Pate.
Driggers.	Patman.
Duffey.	Perdue.
Dunn.	Pool.
Durham.	Quinn.
Faubion.	Rogers.
Fields.	Sanford.
Finlay.	Shearer.
Gipson.	Simpson.
Greer.	Smith.
Hardin of Erath.	Stell.
Hendricks.	Stevens.
Howeth.	Stewart of Jasper.
Irwin.	Stroder.
Jacks.	Teer.
Jennings.	Thrasher.
Johnson.	Wallace.
Lackey.	Westbrook.
Laird.	Wilmans.
	Young.

Absent.

Amsler.	Hughes.
Baldwin.	Hull.
Beasley.	Kemble.
Bobbitt.	LeSturgeon.
Bryant.	Lewis.
Culp.	McFarlane.
Davenport.	Pinkston.
Dinkle.	Robinson.
Dodd.	Rowland.
Dunlap.	Sparkman.
Edwards.	Stewart of Reeves.
Frnka.	Stiernberg.
Fugler.	Strickland.
Harrington.	Williamson.
Henderson of McLennan.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Blount.	Price.
Carter of Coke.	Sackett.
Jones.	Sweet.
Lamb.	

Question then recurring on the motion of Mr. Quinn, it was lost.

CONGRATULATIONS TO HON. EUGENE BLOUNT.

Mr. Satterwhite offered the following resolution:

Resolved, That the Chief Clerk of the House be instructed to wire our fellow-member, Hon. Eugene Blount and Mrs. Blount, congratulations upon the arrival of their new son, and that he be named the mascot of the Third Called Session of the Thirty-eighth Legislature.

The resolution was read second time and was adopted.

TRIBUTE TO HON. LEE J. ROUNTREE.

Mr. Fields sent up to the desk and had read the following resolution:

Hillsboro, Texas, May 24, 1923.

Resolutions of Respect.

Whereas, God in His infinite wisdom, has seen fit to call from earthly service to heavenly reward a man whose life was rich in usefulness, in the sudden death of Hon. Lee J. Rountree, of Bryan, the summons coming while he was actively engaged in his duties as a legislator, and just after he had paid a tribute of love and respect to the soldiers of the Confederacy, a cause which he loved, and whose patriots he honored; and

Whereas, In his demise the State of Texas has lost a man who had been tireless and self-sacrificing, both as a citizen and a lawmaker, the newspaper fraternity a writer whose heart was unafraid, yet sympathetic and kindly, whose pen was wielded in behalf of the right in opposition to the wrong, and who held to the high ideals of his profession; the wife a companion, loving, true and considerate; the church a faithful worker, and the Daily Press League a member of whom it was proud, and who was devoted to its interests, a man of ability, of lovable disposition, one of God's noblemen; therefore, be it

Resolved, That we deplore his untimely death, because of the service which he had rendered and gave promise of rendering to his State and to his fellowman, and would commend his life as worthy of emulation, his name as worthy of memory. It is, therefore, further

Resolved, That a copy of these resolutions be spread upon the minutes of the

Texas Daily Press League, a copy be sent to the Texas Legislature, and a copy be furnished his wife, in an inadequate attempt to convey to her our sorrow at his going and sympathy with her bereavement.

TEXAS DAILY PRESS LEAGUE.

D. W. Campbell, Secretary.

On motion of Mr. Moore, the resolution was ordered printed in the Journal.

HOUSE BILL NO. 2 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 2. A bill to be entitled "An Act to amend Articles 7369, 7371, 7372, 7373, 7378 and 7382 of Chapter 2, Title 126, of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz.: express companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, interurban and electric railway companies and telephone companies; providing for an increase of the gross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved a full and complete record of all business, and said record shall be open to the inspection of all tax officers of the State; and also providing further, that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 126, of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of this chapter, and declaring an emergency."

The bill was read second time.

Mr. Patman offered the following (committee) amendment to the bill:

Amend House bill No. 2 by striking out Article 7382 in the body of the bill and the words "telephone companies" in the caption of said bill.

The amendment was adopted.

Mr. Smith offered the following amendment to the bill:

Amend House bill No. 2 by striking out the words "five thousand" and inserting the words "ten thousand," line 22, page 2.

Mr. Patman moved to table the amendment.

Mr. Patman moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 2, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and the Speaker announced that there was not a quorum present.

ADJOURNMENT.

Mr. Patman moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Quaid moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Quaid prevailed, and the House accordingly, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

The following standing committees have today filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 63, 7, 39, 12.

Judiciary—House bills Nos. 61, 60.

The following standing committees have today filed unfavorable reports on bills as follows:

Conservation and Reclamation—House bill No. 35.

Revenue and Taxation—House bill No. 17.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, May 25, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 3, Relating to filing reports on sales of gasoline,

Have carefully compared same, and find it correctly enrolled, and have this day, at 2:10 o'clock p. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.